

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:11-CR-17-BO  
NO. 5:16-CV-363-BO

DERRICK DENARARIO WHITAKER,  
)  
)  
Petitioner,  
)  
)  
v.  
)  
UNITED STATES OF AMERICA,  
)  
Respondent.  
)  
)

## ORDER

This matter is before the Court on petitioner's motion to voluntarily dismiss [DE 59] his previously filed § 2255 motion [DE 48]. That motion is GRANTED. The government's motion to dismiss [DE 55] is therefore DENIED AS MOOT. The clerk is DIRECTED to close civil case No. 5:16-CV-363-BO.

SO ORDERED.

This the 1 day of July, 2018.

Tenniel Bayly

TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE